

PERMIT AND RESOURCE MANAGEMENT DEPARTMENT

Summary

The Grand Jury found an unacceptably large backlog of active code violation cases in the county Permit and Resource Management Department (PRMD). In order to reduce this backlog and to improve enforcement of the codes, the Grand Jury recommends increased staffing in the enforcement process, and several actions designed to deter violation of the codes by builders and property owners.

In areas other than code enforcement, PRMD is making measured progress implementing the recommendations of past Grand Juries and an independent management consultant, Zucker Ststems, Inc.

Reason for Investigation

The Grand Jury received three separate citizen complaints against PRMD's Code Enforcement Division. During the course of investigating these complaints, it became clear that problems exist within the code enforcement process that need to be addressed.

In addition, since PRMD has been the subject of reports by the last three Grand Juries, this Grand Jury reviewed the progress that PRMD has made in addressing the recommendations of these previous investigations and the outside consultant.

Background

PRMD, created in 1994, was designed to improve service to county residents by consolidating all of the permit departments into one organization. Grand Juries of 1998-1999, 1999-2000, and 2000-2001 found many inconsistent applications and seemingly arbitrary interpretations of the codes and regulations. These problems were attributed to a lack of formal policies and procedures and inadequate staff training.

During 2000, Zucker Systems performed an organizational review of PRMD which assessed the extent to which the original goals of the reorganization were achieved, and made recommendations on how to improve operations. The consultant provided 271 detailed recommendations and identified eight key priority areas.

Code enforcement activity received low priority in these past studies. Investigation of recent complaints made it apparent that problems still exist in the code enforcement process.

Investigative Procedures

The Grand Jury:

1. Interviewed the following persons:
 - Complainants
 - PRMD Code Enforcement Division Manager
 - PRMD Interim Code Enforcement Division Manager
 - PRMD Code Enforcement Inspector
 - PRMD Director
 - Deputy County Administrator
 - County Administrator.

2. Reviewed the following documents:
 - Grand Jury Reports of 1998-1999, 1999-2000, and 2000-2001
 - Responses to aforementioned reports
 - 2000 Final Report: Organizational Review of PRMD by Zucker Systems
 - Letter: PRMD Director to Sonoma County Grand Jury January 15, 2002
 - PRMD Six-month Update on Zucker Report Recommendations, January, 2002
 - Sonoma County Code Section 1-7
 - PRMD Penalty Applicability Matrix
 - PRMD Penalty Calculation Sheet
 - Various memos internal to PRMD
 - Memo: PRMD Director to County Administrator, March 5, 2002
 - Letter: Interim PRMD Director to Sonoma County Grand Jury, May 14, 2002.

Findings

CODE ENFORCEMENT

- F1. There is a substantial backlog of unresolved code enforcement cases. With a continually increasing number of alleged violations, PRMD is unable to keep the backlog from growing, or reduce the number of active cases. During 2001 enforcement staff resolved 2241 cases, but an unprecedented 2237 new complaints were received. As of March, 2002, there were just under 4900 unresolved cases. The backlog has been growing again, and is expected to reach 5000 by July 1, 2002.

- F2. Code enforcement cases are sorted into 32 categories. Almost half of the cases are classified as “construction without a permit.” The second largest category is “grading without a permit,” a category that has grown in recent years because of new regulations.

- F3. There are many reasons for the large backlog, including an increased number of construction projects, and, with an increasing population density, more potential conflicts among

neighbors. In addition to such unavoidable reasons for an increase in code enforcement problems, the Grand Jury has identified four that seem to be addressable. Specifically:

- a. There is increased reluctance by property owners to apply for permits and conform to existing regulations. They often believe that it is less expensive and time consuming to proceed without permits, and to take a chance on being caught and paying a small fine, rather than to follow the legal procedure. Current penalties and fines are too low to encourage compliance. These penalties are set by the Board of Supervisors.
- b. Avoidance of the proper permit procedure is often encouraged by some contractors and builders who, eager to get the job, mislead their customers by assuring them that a permit is not required. Although the state is the only agency that can revoke or suspend a contractor's license it does not have staff to investigate violations.
- c. PRMD has identified a need for two more code enforcement inspectors and a dedicated member of County Counsel staff in order to reduce the number of active cases.
- d. Anonymous complaints are accepted and acted upon. Complainants are often reluctant to be identified; because of this, PRMD is unable to follow up and get more information from the complainant making resolution of the case more difficult.

RESPONSE TO ZUCKER REPORT AND GRAND JURY RECOMMENDATIONS

F4. PRMD is currently working to implement the recommendations of the Zucker Report and previous Grand Juries. Several of the more important recommendations have been completed.

Conclusions

The code enforcement process needs greater attention. The backlog of active cases is far too great but, more importantly, the process is not effective in achieving code conformance. The permit process is too easily bypassed with little or no penalty to the property owner or the builder. Steps need to be taken to encourage compliance.

The county is making meaningful progress in implementing the recommendations of the Zucker Report and previous Grand Juries.

Recommendations

- R1. The Board of Supervisors should significantly increase penalties for code violations to discourage bypassing the permit process.
- R2. The Board of Supervisors should, despite budget constraints, approve additional positions in code enforcement to reduce the number of active cases. The cost of the increased support for code enforcement could be partially covered by a higher penalty fee structure.
- R3. County Counsel should provide dedicated staff to expedite litigation of code enforcement cases.
- R4. To discourage builders from regularly bypassing the permit process in the absence of strict enforcement at the state level, the Board of Supervisors should consider some innovative approaches such as:
 - a. Require PRMD to track and keep records of builders who fail to comply with the permit process and publicize a list of repeat violators.
 - b. Prohibit repeat violators from consideration for public work projects.
 - c. Publicize the outcome of cases decided in litigation so that the public is aware of the consequences of violations.
- R5. The Board of Supervisors should endorse PRMD's proposal to stop accepting anonymous complaints except for emergency situations involving health and safety. Provision should be made to protect the complainant's identity from disclosure to the public or to the accused violator if requested.
- R6. PRMD must continue to make progress in implementing the recommendations of the Zucker Report. The Board of Supervisors should closely monitor this progress to assure that future milestones are achieved.

Required Responses to Findings

None

Required Responses to Recommendations

Board of Supervisors: R1 through R6

Director of PRMD: R1, R2 and R4 through R6

County Counsel: R3